



Memorandum

Date: June 13, 2013

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager 

Subject: Miscellaneous Items

Quarterly Update

On Monday, the Council will receive a quarterly City update that discusses the status of the implementation of Council goals as well as provides an update from every department.

Increase in Library Open Hours

The City's new Library Director, Holly Mercer, has completed an initial review of the City's library operations and concluded that open hours can be increased from 53 to 56 without any additional expense. I have told her that she should implement this change. Her memorandum is attached detailing the change in hours.

Attachment

Memorandum

Date: June 11, 2013

To: Chris Jordan, City Manager

From: Holly Mercer, Library Director

Subject: Increase in library hours

Purpose

Opening the library an additional three hours a week will increase the availability of library services to West Linn citizens.

Background

There are several benefits to consider with an increase in library hours:

- With an increase of three hours per week the library will serve approximately 12,324 more visitors in a year than are currently serviced based on door counter statistics.
- Based on feedback from families with young children, earlier library hours are preferred over later start times.
- With the variety of starting times during the weekdays, there is confusion among patrons as to the schedule for each day. Each Monday, Tuesday, and Wednesday morning, there are patrons waiting outside the building for the library to be open.
- It is estimated that an increase of three hours per week will increase library circulation by 15,000 items per year based on the circulation data for the 10:00 a.m. -11:00 a.m. hour on Thursday and Fridays.

Other Issues

The increase in hours will have no financial impact on the library as current working hours for existing staff can be adjusted to cover the increase in hours.

Recommendation

I recommend that the library increase hours from 53 hours a week to 56 hours a week with the following schedule starting July 1, 2013:

- Monday: 10:00 a.m. – 8:00 p.m.
- Tuesday: 10:00 a.m. – 8:00 p.m.
- Wednesday: 10:00 a.m. – 8:00 p.m.
- Thursday: 10:00 a.m. – 6:00 p.m.,
- Friday: 10:00 a.m. – 6:00 p.m.,
- Saturday: Noon – 5:00 p.m.
- Sunday: Noon – 5:00 p.m.

Memorandum

Date: June 13, 2013

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager 

Subject: June 17 Agenda and Council Schedule

The Council is scheduled to meet on June 17 for a Council meeting at 6:30 and a pre-meeting at 6:00. The following changes to the agenda packet are attached:

- 1) Community Development Code Amendments (Ordinance No. 1613). Attached are a brief memo and new version of the proposed code amendments, and a draft of Ordinance No. 1613. The changes to the Public Hearing draft the Council has already received reflect the guidance we received from the Council during the June 3 work session, and some minor edits by Assistant City Attorney Megan Thornton.
- 2) Police Station Contract Award. Because the bids received were over the budget for the police station, attached is an updated Council report recommending that all the bids be rejected by the Council. Staff will brief the Council on how we intend to proceed with the project during the 6:00 pre-meeting.
- 3) Award of Road Improvement Program contract. Bids for this project were received on June 12. An updated Council report for this project is attached requesting the Council award the contract to the apparent low bidder, Knife River.

Schedule

The Council's next meeting is scheduled for July 1. Planned topics for that meeting are: the Aquatic Community Center, Robinwood Station, and Surplus Property.

Attachment

Memorandum

Date: June 10, 2013

To: Chris Jordan, City Manager

From: John Sonnen, Planning Director

Subject: Proposed Unrelated Amendments to the Community Development Code (CDC 12-02)

On June 3, 2013 the City Council identified alternatives to some of the proposed CDC amendments that will be the subject of the public hearing on June 17, 2013. Attached is the Planning Commission's recommended draft modified to incorporate the alternative language discussed by Council. The topics of the alternative language are listed below along with the page where they are located in the attached draft. Staff raised the possibility of making the applicant rather than the City responsible for noticing but, based on legal advice, staff decided not to pursue it.

Revised Code Provisions	Page
▪ Set a size limit for signage at athletic fields	3
▪ Clarify duration of temporary uses	8
▪ Simplify the proposed procedure for docketing CDC and plan amendments	9-10
▪ Change the recommended notice for small scale projects from 500 feet to 300 feet	11
▪ Eliminate the provision calling for posting notice on the internet 10 days in advance of the decision date	11
▪ Simplify the standard for sidewalk use	12
▪ Eliminate a proposed exception that would allow cul-de-sacs when a thru street would not be economically viable	13
▪ Clarifying who determines if a noise study is needed	17

Council action. If the Council approves the CDC amendments as revised by attached draft, an ordinance will be ready for them to adopt. In that case:

Move to approve First Reading for Ordinance 1613, updating, correcting, and amending CDC sections 2.030, 18.030, 19.050, 33.020, 53.030, 58.090, 96.010, 98.030, and 105.040, and numerous sections in chapters 52, 55, 85, and 99, and repealing and replacing Chapter 35, and set the matter for Second Reading.

If the motion passes unanimously, the Council may: *"move to approve second reading for ordinance 1613, updating, correcting, and amending CDC sections 2.030, 18.030, 19.050, 33.020, 53.030, 58.090, 96.010, 98.030, and 105.040, and numerous sections in chapters 52, 55, 85, and 99, and repealing and replacing Chapter 35 and adopt the ordinance."*

If Council wants any revisions to the attached June 10 draft, we will need them to direct staff to prepare an ordinance to that effect:

Move to direct staff to prepare an ordinance adopting CDC amendments consistent with the draft dated June 10, 2013, with the addition of (...) or the deletion of (...).

**PROPOSED AMENDMENTS
TO CHAPTERS 2, 18, 19, 33, 35, 52, 53, 55, 58, 85, 96, 98, 99, and 105
OF THE
COMMUNITY DEVELOPMENT CODE**

**CITY COUNCIL
PUBLIC HEARING DRAFT
MODIFIED PER THE CITY COUNCIL'S TENTATIVE DIRECTION
June 10, 2013**

Notes:	
Plain text =	existing regulation
Strike through =	proposed deletion to existing regulations
<u>Underline</u> =	proposed addition to existing regulations
<u>Red underline</u> =	proposed addition to Planning Commission recommended draft
Strike through =	proposed deletion to Planning Commission recommended draft

*The following contains several unrelated proposed amendments to the Community Development Code (CDC).
The topics being addressed are as follows:*

<i>Proposed amendment</i>	<i>Page</i>
<i>Projecting and athletic field signs</i>	<i>3</i>
<i>Temporary structures and uses</i>	<i>6</i>
<i>Docketing of proposed comprehensive plan and CDC amendments</i>	<i>9</i>
<i>Public notice requirements</i>	<i>11</i>
<i>Sidewalk use</i>	<i>12</i>
<i>Infill development along cul-de-sacs and standards for new cul-de-sacs</i>	<i>12</i>
<i>In-lieu fee for required improvements</i>	<i>14</i>
<i>Residences in commercial districts</i>	<i>15</i>
<i>Design Review submittal requirements</i>	<i>15</i>
<i>Stormwater control on single family and duplex lots</i>	<i>24</i>

Projecting Signs and Athletic Field Signage

**Chapter 52, Signs
52.109 EXEMPTIONS**

...

- B. Signs in the Willamette Falls Drive Commercial Overlay Zone, as defined in Chapter 58 CDC, shall be reviewed and approved subject to the criteria found in CDC 58.090(C)(25). However the dimensional standards for signs in the Willamette Falls Drive Commercial Overlay Zone shall be based on the table in CDC 52.300.

...

- F. Signs that are oriented toward spectators at athletic fields or the interior of community recreation facilities are exempt provided that the content is no larger than necessary for spectators. If the signs that are incidentally visible from the public right-of-way the signs in that location shall be no larger than 32 square feet in size, and shall be The signs shall be the same height, and the top of the signs shall be uniform in size vertically and aligned horizontally to form a banner like appearance; and the back side of such signs visible from the right-of-way shall be a uniform white, black, or earth tone color.

52.300 PERMANENT SIGN DESIGN STANDARDS

	FREESTANDING SIGNS						ON-WALL SIGNS			PROJECTING SIGNS ⁵	
	City Appvl. Req.	Illumination	No. Allowed	Max. Sq. Ft.	Max. Ht. (ft.)	ROW Setback (ft.)	No. Allowed	Max Sq. Ft.	Max Ht. (ft.)	No. Allowed	Max. Sq. Ft.
Residential Uses Including Home Occupations	No	No	1	2	4	5	or 1 [^]	2	12	n/a	n/a
Multi-family Complex	Yes	Yes	2	24 total*	8	5	or 2 [^]	24 total*	12	n/a	n/a
Subdivision Monument	Yes	Yes	5 per subdivision	32 total*	8	5	n/a	n/a	n/a	n/a	n/a
Industrial Zone Uses	Yes	Yes	10	32	8	5	3	10%	25	n/a	n/a
Commercial Uses in Residential Zone	Yes	Yes	1	16	8	10	2	5%*	12	n/a	n/a
Commercial Zone	Yes	Yes	1 ¹	32 ²	8	5	3	10%*	25	<u>1 sign per each business frontage with a customer entrance⁴</u>	<u>12</u>
Business Center	Yes	Yes	1	150 ³	20	15	3	10%*	25	<u>1 sign per each business frontage with a customer entrance⁴</u>	<u>12</u>
Business Center Entryway	Yes	Yes	1 per entry	4	3	5	n/a	n/a	n/a	n/a	n/a
Public Uses	Yes	Yes	1 ⁴⁵	24	20	5	No limit	18 total	25	n/a	n/a

Notes for Permanent Sign Design Standards

* ...

4 Projecting signs shall not extend above the roofline at the wall or the top of a parapet wall, whichever is higher. They shall not be located within 20 feet of another projecting sign in the same horizontal plane or project within two feet of the curb or, if there is no curb, the edge of the pavement. All projecting signs shall have clearance above the sidewalk consistent with Subsection 52.210(D). Any illumination shall be external.

⁵⁴Parks may have two signs per frontage. Signs in parks directed at pedestrians or cyclists within the parks are not limited in number or size. Schools may have two signs

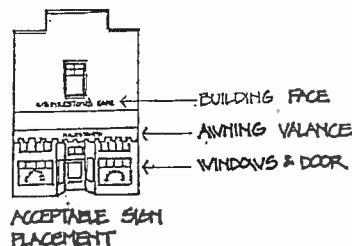
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52.210 APPROVAL STANDARDS

...

K. Signs in the Willamette Falls Drive Commercial District.

- 1. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The "10 percent" shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project out from building face.**



- 2. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be either white, black, or gold with black shading.**

BROKER SHADED

Caston Antique

Antique Bold

BETON OPEN

Century Shaded

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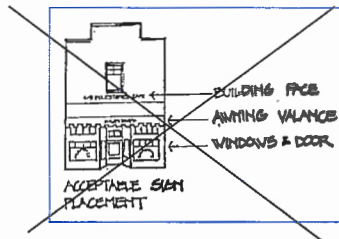
3. **Temporary signs. Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.**

Chapter 58, Section 58.090 Standards

...

25. Signs.

a. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The "10 percent" shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four by four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project out from building face.



b. **Sign type face.** Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be either white, black, or gold with black shading.

BROKER SHADED
Caslon Antique
Antique Bold
BETON OPEN
Quincy Shaded
ENGRAVERS

c. **Temporary signs.** Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.

52.109 EXEMPTIONS

- A. Signs placed inside windows are exempt from the provisions of this chapter.
- ~~B.~~ Signs in the Willamette Falls Drive Commercial Overlay Zone, as defined in Chapter 58 CDC, shall be reviewed and approved subject to the criteria found in CDC 58.090(C)(25). However the dimensional standards for signs in the Willamette Falls Drive Commercial Overlay Zone shall be based on the table in CDC 52.300.
- ~~B.C.~~ Parking lot signs. Signs up to three square feet in area with a maximum height no greater than five feet above grade and directed to the interior of a parking lot and not to a right-of-way shall not require a sign permit.
- ~~C.D.~~ City signs are exempt from the provisions of this chapter.
- ~~D.E.~~ Sunday signs are allowed within City right-of-way in any residential district on Sundays between the hours of 8:00 a.m. and 6:00 p.m., subject to the following standards:

...

Temporary Uses and Structures

Chapter 35 TEMPORARY STRUCTURES AND USES

Sections:

- 35.020 APPLICABILITY
- 35.030 **EXEMPTIONS** TEMPORARY STRUCTURES AND USES, ADMINISTRATION AND APPROVAL PROCESS
- 35.040 TEMPORARY USES **STANDARDS**
- 35.050 **DURATION OF TEMPORARY USES**

35.020 APPLICABILITY

Notwithstanding the limitations of use as established by this code, ~~in each of the several districts, the Planning Director may issue~~ **the approval authority can authorize temporary uses that are consistent with the provisions of this chapter.** ~~permits may be issued for uses listed in CDC 35.040 which are temporary in nature~~

35.030 EXEMPTIONS

The following temporary uses and structures are exempt from the provisions of this chapter:

- A. Construction related uses including, but not limited to, trailers and staging areas, on sites approved for the associated development.**
- B. Portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project that will remain on site 14 days or less during a given calendar year.**

35.030 TEMPORARY STRUCTURES AND USES, ADMINISTRATION AND APPROVAL PROCESS

- A. The Director may issue temporary use permits:
 - 1. For portable outdoor storage units or similar structures, as are typically used for storing items in conjunction with a move, minor remodel or construction project, where these structures will remain on site in excess of 14 calendar days during a given calendar year.
 - 2. For other temporary uses for a period not to exceed 60 days from the date of issuance; and
 - a. Such permits shall only be consecutively renewed for one additional 60-day period by the Director
 - b. The Director may issue temporary permits to registered non-profit, religious or benevolent groups, orders or associations for the placement of drop boxes, trailers, or structures of similar function. These drop boxes shall be placed in General Commercial, Office Business Center, Campus Industrial, General Industrial, and Neighborhood Commercial zoning districts only. The provisions of CDC 44.030 (Screening) and Chapter 46 CDC, Off Street Parking, Loading and Reservoir Areas, shall apply.

~~The temporary permit will be effective indefinitely, but will be revoked if it is unused or abandoned for a period of 60 days. The permit will also be revoked if material is not contained by the drop box or trailer and allowed to accumulate outside or on top of the drop box or trailer. Upon revocation of the permit, either the original applicant or property owner shall be responsible for removing the drop box or trailer. Approval criteria shall require:~~

- ~~1) That the location, color, bulk, size and design of the structure be compatible with, and appropriate to, the proposed location;~~
- ~~2) That the structure be screened from adjacent residential uses, Chapter 44 CDC;~~
- ~~3) That the structure comply with Chapter 48 CDC;~~
- 3. The Planning Director may issue temporary permits to non-profit and for-profit groups or individuals for uses described in CDC 35.040(A).

- B. ~~The Commission may issue temporary use permits that will terminate between 60 days and six months from the date of issuance.~~
- C. ~~The City Council may issue temporary use permits that will terminate between six months and one year.~~
- D. ~~The applicable approval authority may attach reasonable conditions to any temporary use permit approval which will protect the health, safety, and welfare of the City's residents.~~

35.040 A. ~~Temporary uses include:~~

- 1. ~~Uses associated with the celebration of a specific holiday such as the sale of Christmas trees and fireworks;~~
- 2. ~~Uses associated with the sale of fresh fruits, produce, and flowers;~~
- 3. ~~Uses associated with construction;~~
- 4. ~~Uses associated with festivals or celebrations or special promotional events;~~
- 5. ~~A real estate office within a development limited to the sale of real estate in the development;~~
- 6. ~~Portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project.~~

B. ~~Temporary uses described in subsection A of this section may be approved if they:~~

- 1. ~~Are located on property that is appropriate for the proposed use as determined by the Planning Director;~~
- 2. ~~Have a paved or graveled surface to minimize dust generation or mud tracking;~~
- 3. ~~Have adequate parking and circulation space;~~
- 4. ~~Are in an area that will allow safe ingress and egress including adequate line of sight and vision clearance;~~
- 5. ~~Have the property owner's signed permission.~~

35.040 TEMPORARY USE STANDARDS

A. Temporary uses shall be approved if they meet the following standards:

- 1. **Sites accommodating a temporary use shall be appropriate for the proposed use, as determined by the approval authority with consideration of the following:**
 - a. **The proposed site shall have adequate parking and circulation space consistent with Chapter 46, Off-Street Parking, Loading and Reservoir Areas; safe ingress and egress consistent with CDC Chapter 48, Access, Egress and Circulation; and adequate line of sight and vision clearance per Chapter 42, Clear Vision Areas.**
 - b. **The proposed site shall have a paved or graveled surface sufficient to avoid dust generation and mud tracking from anticipated traffic or erosion control measures, consistent with CDC Section 31.070, shall be used to keep any mud, sediment and dust on site.**
 - c. **The proposed use shall conform to all applicable requirements of CDC Chapter 32, Water Resource Protection, Chapter 27, Flood Management Areas, Chapter 28, Willamette and Tualatin River Protection and other City regulations.**
 - d. **The proposed temporary use shall not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.**
- 2. **The approval authority may require that structures and trailers allowed as temporary uses for more than 60 days be screened from the view of occupants of any abutting residential and commercial structures, consistent with CDC Chapter 44, unless the applicant demonstrates that such screening is not needed.**

3. Drop boxes, trailers, or structures that serve a similar function are allowed, consistent with Subsection 35.040(A), for registered non-profit, religious or benevolent groups, orders or associations, when they are proposed to be located in General Commercial, Office Business Center, Campus Industrial, General Industrial, or Neighborhood Commercial districts. Drop boxes and structures serving a similar function, not including trailers, shall not exceed seven feet in height or have a footprint of more than 25 square feet on a single site. Their color shall be limited to earth tones.
 4. The property owner has authorized the proposed temporary use in writing.
- B. The approval authority may attach conditions to any temporary use approval as needed to achieve compliance with the applicable standards of this section or otherwise protect public health, safety, and welfare.

35.050 DURATION OF TEMPORARY USES

- A. Temporary uses may be allowed for up to 60 days, with one additional renewal for no greater duration than the original approval, except as follows:
1. Construction trailers and associated parking and staging areas beyond the site approved for the associated development may be allowed for the duration of active construction projects.
 2. Drop boxes, structures serving a similar function, and trailers authorized under Subsection 35.040 (A) will be allowed indefinitely, but they will be revoked if they are unused or abandoned for a period of 60 days or if material is not contained by the drop box or trailer and allowed to accumulate outside of the drop box, structure, or trailer. Upon revocation of the approval, the applicant shall be responsible for removing the drop box, structure, or trailer unless it is abandoned; in that case, removal shall be the responsibility of the property owner.
- B. ~~Temporary use approvals may be consecutively renewed once for no greater duration than the original approval, up to a total of two years, except as provided for in Subsection 35.050 (A).~~

Related Proposed Amendments to Chapter 2, Definitions

Temporary use. A use which, by its nature, will last under two years. Examples of temporary uses are uses associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction, and seasonal uses. The temporary use provisions do not apply to businesses seeking a temporary or interim location

Temporary use. A use which, by its nature, will last under two years, with the exception of drop boxes and structures/trailers serving a similar function and construction related uses and facilities. Examples of temporary uses include, but are not limited to: uses associated with the sale of goods for a specific holiday, activity or celebration, such as the sale of Christmas trees and fireworks; uses associated with construction; seasonal uses, such as the sale of fresh fruits, produce, and flowers; uses associated with festivals, celebrations or special promotional events; a real estate office within a development limited to the sale of real estate in the development; and portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project. Temporary uses do not include businesses seeking a temporary or interim location.

Related Proposed Amendments to Chapter 99

99.060 APPROVAL AUTHORITY

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

- A. Planning Director authority. The Planning Director shall have the authority to:
1. Approve, deny, or approve with conditions the following applications:
 - a. A temporary use or structure application for a period of up to one year ~~six months or less~~ (Chapter 35 CDC), not including uses allowed through another land use approval process.
- ...
- B. Planning Commission authority. The Planning Commission shall have the authority to:
- ...
2. Approve, deny, or approve with conditions the following applications:
 - a. A quasi-judicial zone change application (Chapter 105 CDC).
 - b. A temporary use or structure application ~~for a period of greater than six months~~ (Chapter 35 CDC), not including uses allowed through another land use approval process.
- ...
- C. City Council authority. The Council shall have the authority to:
1. Approve, deny, or approve with conditions applications for the following development applications:
 - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
 - b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment (Chapter 105 CDC).
 - c. Boundary change proposals (Chapter 81 CDC).
 - d. Temporary use or structure application (Chapter 35 CDC), including uses allowed through another land use approval process.

Docketing

98.030 PROPOSING AMENDMENTS TO THE COMPREHENSIVE PLAN, CDC AND ZONING MAP

- A. Docket. Comprehensive Plan, CDC and zoning map amendments to be prepared and processed in a given year shall be listed on a docket established ~~consistent with this section, through the following process, except as provided for in Subsection (A)(6) below.~~
1. Proposing amendments and projects. Anyone may request a Comprehensive Plan, CDC or zoning map amendment or a related project on a form submitted to the Planning Department. The requests may be submitted at any time, but the Planning Department will establish an annual deadline for proposed projects to be considered for the next docket.
 2. Notice. The Planning Department shall provide public notice of the annual submission deadline for proposing Comprehensive Plan, CDC and zoning map amendments at least 30 days in advance of the deadline. At a minimum, this shall include notice on the City website and, if time and resources permit, notice to neighborhood associations and a note in the City newsletter accompanying the utility bill.

3. Proposed project list. Staff shall compile and maintain a list of proposed Comprehensive Plan, CDC, and zoning map amendment projects. The list shall be available for public review on the City's website and at City Hall.
2. Planning Commission review. Each year, staff shall present the proposed project list to the Planning Commission to give them the opportunity to review the proposed projects, add projects of interest, and to prioritize the proposed projects within their purview.
3. City Council review and action. In each odd-numbered year, The City Council shall set the docket **each year after considering the proposed project list.** in coordination with the proposed City budget. The process shall generally occur as follows:
 - a. Staff shall present the preliminary project list, along with the priorities of the Planning Commission, to the City Council for their consideration. The Council may add to, delete, or amend the proposals as desired. Then the Council will decide which projects to include on the two-year docket and their priority.
 - b. In even-numbered years, the Council will reconsider the docket in light of new proposed projects, emerging issues and current Council priorities and, if warranted, makes changes to the docket as desired.
4. Exception. The City Council may initiate Comprehensive Plan, CDC and zoning map amendments **outside of the docketing process** at any time. The Council shall indicate the order of priority of projects added to the docket under this exception.

APPLICATION PROCESS: WHO MAY APPLY, TIME PERIOD, REQUIREMENTS

- A. Who may apply.
 1. A proposed legislative change may be initiated by:
 - a. Motion by the City Council;
 - b. Motion by the Planning Commission;
 - c. The Planning Director;
 - d. Recognized neighborhood association. The association must transmit its requested change to the Planning Director, accompanied by documentation as to the vote of the association and the minutes of its discussion;
 - e. Any other party wishing to propose a legislative change may petition the Planning Commission or City Council to consider such change. The Planning Commission or City Council, after considering the petition, may choose to initiate a legislative change or deny the petition.
- B. Time period. A proposed legislative change will be heard by the Planning Commission, which acts in an advisory capacity to the Council, within 60 days of initiation of proposal. The proposed legislative change will then be heard by the City Council at the next available meeting, but in any circumstance, no later than 60 days after the Planning Commission recommendation. The date of initiation is the date the motion for change is adopted by the City Council or Planning Commission, or the date the Planning Director has received a proposal from a recognized neighborhood association.
- C. The City Council may, by same or separate motion, adopt a longer time period for Planning Commission hearings of proposed legislative changes.

Public Notice Requirements

99.080 NOTICE

...

- A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:
 - a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.

...

- B. Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:
 - a. The applicant or his agent;
 - b. The affected recognized neighborhood association or citizens advisory committee; and
 - c. All property owners of record within ~~100~~ **300** ~~500~~ feet of the site perimeter.

2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign, provided by the Planning Department, on the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

- ~~3. d. The City shall make reasonable efforts to post notice of the application on the City's website at least 10 days prior to the hearing, meeting, or decision date. Failure to comply with this section is not a procedural defect entitling any party to a delay in the hearing process.~~

3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

4. At the conclusion of the land use action the signs shall be removed.

Sidewalk Use

53.030 STANDARDS

Displays and tables may be placed, and customer service may be conducted, on sidewalks subject to the following:

- A. A pedestrian accessway, a minimum of four feet in width, shall be maintained free of obstructions on all sidewalks. Such pedestrian access shall be adjacent to the curb (i.e., displays and tables shall be adjacent to the associated building), except when there is sufficient width between the building and the curb to allow more than one row of displays or tables on the sidewalk while maintaining at least the minimum unobstructed pedestrian accessway. In that case, tables and displays can be located along the building face or curb, or both

~~A minimum pedestrian accessway of four feet shall be maintained adjacent to the curb (i.e., display or service shall take place adjacent to the business structure.)~~

~~B. C.~~ ~~The d-~~ **Displays, tables, and or customer** service shall not extend beyond the store frontage **of the business** associated with the products or service, **with the exception that businesses at street intersections with extended sidewalks may use the extended sidewalk consistent with this section.**

C. Permission from the Oregon Department of Transportation for use of sidewalks in state right-of-way.

See CDC Section 52.310 regarding temporary signs and Chapter 42 regarding clear vision triangle requirements.

~~B. Clear vision requirements of Chapter 42 CDC shall not be violated.~~

~~D. Any temporary commercial signs shall be subject to Planning Director approval.~~

Cul-De-Sacs

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

...

A. Streets

...

11. Cul-de-sacs.

a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing less than 5 acres, or sites accommodating uses other than residential or mixed use development, are not allowed unless the applicant demonstrates that there is no feasible alternative due to:

i. physical constraints (e.g., existing development, the size or shape of the site, steep topography, or a fish bearing stream or wetland protected by CDC Chapter 32), or

ii. existing easements or leases, or

iii. prohibitive cost would render the project unviable (as demonstrated by a pro forma or other evidence).

b. New cul-de-sacs and other closed-end streets, consistent with Subsection (11) (a) above, shall not exceed 200 feet in length or serve more than 25 dwelling units unless the design complies with all adopted Tualatin Valley Fire and

Rescue (TVFR) access standards and adequately provides for anticipated traffic, consistent with the Transportation System Plan (TSP).

- c. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing five acres or more that are proposed to accommodate residential or mixed use development are prohibited unless barriers (e.g., existing development, steep topography, or a fish bearing stream or wetland protected by CDC Chapter 32, or easements, leases or covenants established prior to May 1, 1995) prevent street extensions. In that case, the street shall not exceed 200 feet in length or serve more than 25 dwelling units, and its design shall comply with all adopted TVFR access standards and adequately provide for anticipated traffic, consistent with the TSP.

Cul-de-sacs are not allowed except as required by topography, slope, site limitations, and lot shapes. Cul-de-sacs shall have maximum lengths of **400 feet** and serve no more than **12** dwelling units, unless by variance per Chapter 75 CDC.

- d. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.
- e. All cul-de-sacs and other closed-end streets shall include direct pedestrian and bicycle accessways from the terminus of the street to an adjacent street or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by physical constraints or that necessary easements cannot be obtained at a reasonable cost.
- f. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).

...

In-lieu Fee of Required Improvement

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

- A. Streets.
1. General.

...

Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (**TSP**) and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the ~~Transportation System Plan~~ **TSP** prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall **pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in kind or related improvements.** ~~propose a fee amount that will be reviewed by the City Manager or the Manager's designee. The City Manager or the Manager's designee will revise the proposed fee as necessary and establish the amount to be paid on a case-by-case basis. The applicant shall pay an in-lieu fee for improvements to the nearest street identified by the City Manager or Manager's designee as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system as determined in subsection (A)(22) of this section.~~

...

96.010 CONSTRUCTION REQUIRED

A. New construction.

...

3. An applicant for a building permit may apply for a waiver of street improvements and the option to make a payment in lieu of construction. The option is available if the City Manager or the Manager's designee determines the transportation system plan does not include the street improvement for which the waiver is requested.
4. When an applicant applies for and is granted a waiver of street improvements under ~~Subsection (A)(3) of this section~~, the applicant shall pay an in-lieu fee **equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee shall be used for in kind or related improvements.** ~~for improvements to be applied to the nearest street identified by the Manager or the Manager's designee, as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system.~~
5. ~~The City's determination of the appropriate in-lieu fee shall constitute an interpretation of the code, as authorized by CDC 99.060(A)(3), and may be appealed subject to the provisions of Chapter 99 CDC.~~

...

Residences in Commercial Districts

...

19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS (*General Commercial*) The following uses are allowed in this zone under prescribed conditions:

1. Single family residential unit and attached single family units above a permitted use or a commercial use or place of assembly authorized as a conditional use (e.g., children's day care center, superstore, amusement enterprise, transient lodging, religious institution, school, lodge or community center), and Multiple-family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure, ~~except in and on the ground floor of businesses on the~~ Willamette Falls Drive **Commercial District where dwellings may also occupy a portion of the ground floor** pursuant to CDC 58.050.

...

18.030 PERMITTED USES (*Neighborhood Commercial*)

The following are uses permitted outright in this zone:

1. Convenience grocery store.
2. Cultural exhibits and library services.
3. Family day care.
4. Utilities, minor.
5. Transportation facilities (Type I).
6. Single family residential unit above a permitted use.

Design Review Submittal Requirements

55.070 SUBMITTAL REQUIREMENTS

- A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.
- B. A pre-application conference, per Subsection 99.030(B), shall be a prerequisite to the filing of an application.
 1. ~~The Director shall explain the applicable policies, ordinance provisions, opportunities and constraints which may be applicable to the site and type of proposed development. The Director shall determine which class of design review is required.~~
 2. ~~The following subjects shall be reviewed at the pre-application conference:~~
 - a. ~~The parcel's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.~~
 - b. ~~The proposed use and types of adjacent land uses and the opportunities for shared use such as parking, or the need for buffers or sound barriers.~~
 - c. ~~The natural features on the site: topography, drainage courses, micro-climate vegetation, and soil conditions and stability as these features relate to plan policies and ordinance provisions and the site development plan.~~
 - d. ~~The availability of utilities (on site and off site).~~
 - e. ~~The site access and potential traffic problems.~~
 - f. ~~The availability of transit, capacity of the road system, and existence of plans for bicycle and pedestrian ways.~~
 - g. ~~Existing or potential noise sources.~~
 - h. ~~Conditions placed on previous applications.~~
 - i. ~~Review submittal requirements.~~
 - j. ~~Preferred architectural design and building orientation.~~
- C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC Section 99.038.

A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments. Wireless communication facilities (WCF) shall also fulfill co-location protocol of CDC 57.090.

- D. The applicant shall submit a completed application form and **one digital or electronic copy in an accessible format. In addition, the applicant must submit three copies at the original scale, three copies of all drawings and plans reduced to 11 inches by 17 inches or smaller, and three copies of all other items. Additional copies may be required as determined to be necessary by the Planning Department.**
1. The development plan for a Class I design review shall contain the following elements:
 - a. A site analysis (CDC 55.110) only if the site is undeveloped-;
 - b. A site plan (CDC 55.120)-is required-;
 - c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if architectural work is proposed-; **and;**
 - d. Pursuant to CDC 55.085, additional submittal material may be required.
~~One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.~~
 2. The development plan for a Class II design review shall contain the following elements:
 - a. A site analysis (CDC 55.110);
 - b. A site plan (CDC 55.120);
 - c. A grading plan (CDC 55.130);
 - d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);
 - e. A landscape plan (CDC 55.150);
 - f. ~~A sign plan (CDC 55.160); and~~
 - g. ~~A pedestrian and automobile circulation plan.~~
 - fh. ~~The A utility plan: The application shall include a submittal appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage-;~~
 - g. **A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC Subsection 55.100(I) pertaining to crime prevention and, if applicable, CDC Section 46.150(A)(13) pertaining to parking lot lighting-;**
 - h. **If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-troughs, parking lots, HVAC units, and public address systems-; and**
 - i. **Documents as required per the Tree Technical Manual.**

3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.
 4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, or CDC 55.090 for Class I design review, plus all applicable referenced approval criteria.
- E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.
- F. The applicant shall pay the required **deposit and** fee.

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

The approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application.

... B. Relationship to the natural and physical environment. ...

6. Architecture.

a. ~~The predominant architecture of West Linn identified in the West Linn vision process was contemporary vernacular residential designs emphasizing natural materials: wood with brick and stone detail. Colors are subdued earth tones: greys, brown, off-whites, slate, and greens. Pitched roofs with overhanging eaves, decks, and details like generous multi-light windows with oversized trim are common. Also in evidence are the 1890s Queen Anne style homes of the Willamette neighborhood. Neo-traditional homes of the newer subdivisions feature large front porches with detailed porch supports, dormers, bracketed overhanging eaves, and rear parking for cars. Many of these design elements have already been incorporated in commercial and office architecture~~

ab. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, ~~materials and colors~~ of surrounding buildings in the proposed structure. **The material and colors shall be complementary to the surrounding buildings.**

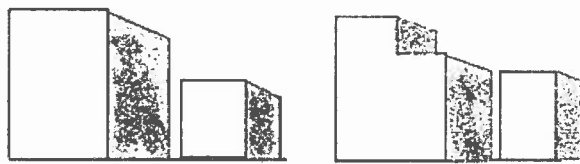


contextual design



contrasting design

be. While there has been discussion in Chapter 24 CDC about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that “step down” or “step up” from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns and lines (e.g., parapets, windows, etc.) from the existing building to the new one.



*mass/bulk overwhelms
smaller building*

*mass/bulk effectively
transitions*



- cd.** Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.
- de.** Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (i.e., their size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, and visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.

The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the “height and width” ratio referenced in this section.



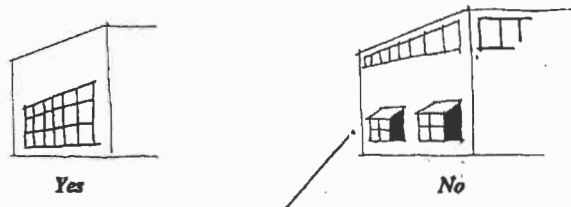
human scale is captured in this example

- ef.** The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Any additional side or rear elevation, which is visible from a collector road or greater classification, shall also have at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot-long building elevation shall have at least 60 feet (60

percent of 100 feet) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.



60 percent of lineal street facing or main elevation is windows. 30 percent of one side elevation is windows. You may transfer windows from the side to front, or vice versa.



(Windows not at eye level and/or not flush with building.)

- fg.** Variations in depth and roof line are encouraged for all elevations. To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.
- gh.** Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.
- hi.** The vision statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.



trees, awnings, and building orientation enhance micro-climate

- ij.** Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot-wide pedestrian access way must be maintained per Chapter 53 CDC, Sidewalk Use.

55.110 SITE ANALYSIS

- ...
B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:
- ...
6. Potential natural hazard areas including:
a. Floodplain areas;
b. ~~Areas subject to a high water table;~~ **Seeps and springs;**
c. Landslide areas; and
d. Areas having a high erosion potential.
7. Resource areas including:
a. ~~Marsh and wetland areas.~~ **Wetlands;**
b. ~~Wildlife habitat areas identified by the City in its Comprehensive Plan.~~ **Riparian corridors;**
c. Streams, including intermittent and ephemeral streams;
d. Habitat conservation areas; and
e. Large rock outcroppings.
8. ~~The site features including:~~
~~a. Large rock outcroppings;~~
~~b. Areas having unique views; and~~
~~c. Streams and stream corridors.~~
- 9.** Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Planning Department and other recognized sources.
- ~~10. The location of trees having a six-inch caliper at five feet and where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be submitted and only those trees that will be affected by the proposed development need be sited accurately; (e.g., construction activity within the dripline of the trees). All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2) and all heritage trees, shall be delineated. Trees on non-Type I and II land shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.~~
- ~~11. Existing ambient noise levels shall be determined in the case of proposed land uses which may be reasonably expected to generate noise (e.g., automotive related uses), and for previously unused sites as described by DEQ. The determination of those levels shall be consistent with current DEQ standards~~
- ~~12.~~ Identification information including the name and address of the owner, developer, and project designer, and a lineal scale and north arrow.
- 13.** Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage.
- ~~14. Identify applicable Goal 5 Resources identified in the City's Comprehensive Plan.~~

55.120 SITE PLAN

The site plan shall be at the same scale as the site analysis (CDC 55.110) and shall show:

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot lines, ~~section lines, corners, and monuments.~~
- ~~C. The location of at least one temporary benchmark and contours as provided by CDC 55.110(B)(3).~~
- ~~CD.~~ Streams and stream corridors.
- ~~DE.~~ Identification information, including the name and address of the owner, developer, ~~and project designer, and a lineal scale, and north arrow.~~
- ~~EF.~~ The location, dimensions, and names of all: 1. ~~E~~ existing and **proposed** platted streets, public pathways, and other public ways and easements on adjacent propertyies and on the site, and all associated rights-of-way.
2. ~~Proposed streets or other public ways and easements on the site.~~
- ~~FG.~~ The location, dimensions and setback distances of all:
 - 1. Existing **and proposed** structures, improvements, and utility facilities **on site; and**
 - 2. **Existing structures and driveways on adjoining properties.**
 - 2. Existing structures, improvements, and utility facilities to remain on the site;
 - 3. ~~Proposed structures, improvements, and utility facilities on the site.~~
- ~~GH.~~ The location and dimensions of:
 - 1. The entrances and exits to the site;
 - 2. The parking and circulation areas;
 - 3. ~~Loading and service~~ Areas for waste disposal, **recycling**, loading, and delivery;
 - 4. Pedestrian and bicycle circulation areas **routes, including designated routes, through parking lots and to adjacent right-of-ways;**
 - 5. On-site outdoor recreation spaces and common areas;
 - 6. All utilities; and
 - 7. Sign locations.
- ~~H.~~ The location of areas to be landscaped.
- ~~I.~~ The location and type of outdoor light with specific consideration given to crime prevention. A light coverage plan shall be provided.
- ~~K.~~ The orientation of structures showing the location of windows and doors.
- ~~L.~~ The location of mailboxes.
- ~~M.~~ Submit an engineering noise control plan by a licensed acoustical engineer to satisfy appropriate noise standards, identified in CDC 55.100(D)(3), in cases where proposed land use can reasonably be expected to generate noise (e.g., automotive related uses) or in cases where it is required by the provisions of the West Linn Community Development Code.

55.125 TRANSPORTATION ANALYSIS

Certain development proposals required that a Traffic Impact Analysis (TIA) be provided which may result in modifications to the site plan or conditions of approval to address or minimize any adverse impacts created by the proposal. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).

55.130 GRADING PLAN

The grading and drainage plan shall be at the same scale as the site analysis (CDC 55.110) and shall include the following:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

- B. ~~Plans and statements to demonstrate the ability of the project to meet Appendix 33 requirements of the Uniform Building Code.~~
- BC.** A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.
- ~~D.~~ ~~Storm detention and treatment plans may be required.~~
- CE.** Identification, information, including the name and address of the owner, developer, project designer, and the project engineer.

55.140 ARCHITECTURAL DRAWINGS

This section does not apply to single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

Architectural drawings shall be submitted showing:

- A. Building elevations and sections tied to curb elevation;
- B. Building materials: color and type; **and**
- C. The name of the architect or designer.

55.150 LANDSCAPE PLAN

This section does not apply to detached single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

- A. The landscape plan shall be prepared and shall show the following:
 - 1. Preliminary underground irrigation system, **if proposed;**
 - 2. The location and height of fences and other buffering of screening materials, **if proposed;**
 - 3. The location of terraces, decks, patios, shelters, and play areas, **if proposed;**
 - 4. The location, size, and species of the existing and proposed plant materials; **and**
 - 5. Building and pavement outlines.
- B. The landscape plan shall be accompanied by:
 - 1. The erosion controls that will be used, if necessary; **and**
 - 2. Planting **list schedule;** **and**
 - 3. Supplemental information as required by the Planning Director or City Arborist.

Related Proposed Amendments to Chapter 2, Definitions

Massing. The overall size and shape of a structure or building.

Significant tree. A tree is determined to be significant by the City Arborist based on its size, health, species, location, proximity to other significant trees, and other characteristics.

Related Proposed Amendment to Chapter 85

85.150 APPLICATION – TENTATIVE PLAN

A. The applicant shall submit a completed application which shall include:

...

4. ~~A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four lot or more planned unit development, a 10 lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments.~~

Related Proposed Amendment to Chapter 99

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development **of four or more lots**, ~~commercial, office, or industrial development of non-residential buildings~~ over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

Related Proposed Amendment to Chapter 105

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

...

~~D. A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four lot or more planned unit development, a 10 lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments.~~

Stormwater Management on Single Family and Duplex Lots

Chapter 33

STORMWATER MANAGEMENT QUALITY AND DETENTION

...

33.020 APPLICABILITY

This chapter applies to all new development and redevelopment sites, as required by the City's Public Works Design Standards, ~~except one and two family dwellings that do not involve a land division.~~

...

ORDINANCE NO. 1613

**AN ORDINANCE UPDATING, CORRECTING, AND AMENDING COMMUNITY DEVELOPMENT
CODE SECTIONS 2.030, 18.030, 19.050, 33.020, 53.030, 58.090, 96.010, 98.030, AND 105.040,
AND NUMEROUS SECTIONS IN CHAPTERS 52, 55, 85, AND 99,
AND REPEALING AND REPLACING CHAPTER 35**

Annotated to show deletions and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

WHEREAS, the above referenced grant of power has been broadly interpreted as affording all legislative powers that home rule constitutional provisions can grant to Oregon Cities, City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293, 531 P 2d 730, 734 (1975); and

WHEREAS, the City of West Linn has determined that it is in the best interest of the City to amend the Community Development Code (CDC) to provide for projecting and athletic field signs, temporary uses, docketing of proposed Comprehensive Plan and CDC amendments, new cul-de-sacs and infill development along existing cul-de-sacs, in-lieu fees for required sidewalks and other improvements, expanded public notice, expanded sidewalk use, single family and duplex dwellings in commercial districts, refine and clarify the Design Review submittal requirements, and to reconcile regulatory inconsistencies regarding stormwater control on single family and duplex lots; and

WHEREAS, the City of West Linn notified the Department of Land Conservation and Development of its intent to undertake a review of the CDC and propose revisions more than 35 days prior to the first evidentiary hearing on the proposed amendments to the CDC pursuant to the applicable notice provisions; and

WHEREAS, the City of West Linn published notice of the Planning Commission public hearing regarding the proposed amendments on March 21, 2013; and

WHEREAS, the City of West Linn mailed notice pursuant to the applicable notice provisions of Section 98.070 of the CDC; and

WHEREAS, the West Linn Planning Commission held a public hearing regarding the proposed amendments to the CDC on April 3, 2013; and

WHEREAS, after considering the public testimony regarding the proposed CDC amendments, the West Linn Planning Commission recommended adoption of proposed CDC amendments; and

WHEREAS, the City of West Linn published notice of the City Council public hearing for the proposed CDC amendments on June 6, 2013; and

WHEREAS, on June 17, 2013, the City Council conducted a public hearing regarding the proposed CDC amendments; and

WHEREAS, the proposed code amendments meet the criteria for approval of legislative amendments stated in Section 98.100 of the CDC; and

WHEREAS, the proposed code amendments are compliant with the goals and policies of the Comprehensive Plan; and

WHEREAS, the proposed code amendments are compliant with the Statewide Planning Goals; and

WHEREAS, the proposed code amendments are compliant with Metro Regional Transportation Functional Plan; and

WHEREAS, the measures adopted by this Ordinance comply with the state and other governing laws and are reasonably related to the public health, safety and welfare; and

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1: Section 02.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

02.030 SPECIFIC WORDS AND TERMS

...

Massing. The overall size and shape of a structure or building.

...

Significant tree. A tree is determined to be significant by the City Arborist based on its size, health, species, location, proximity to other significant trees, and other characteristics.

...

Temporary use. A use which, by its nature, will last under two years, with the exception of drop boxes and structures/trailers serving a similar function and construction related uses and facilities. Examples of temporary uses include, but are not limited to: uses associated with the sale of goods for a specific holiday, activity or celebration, such as the sale of Christmas trees and fireworks; uses associated with construction; seasonal uses, such as the sale of fresh fruits, produce, and flowers; uses associated with festivals, celebrations or special promotional events; a real estate office within a development limited to the sale of real estate in the development; and portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel or construction project. Temporary uses do not include businesses seeking a temporary or interim location.

~~Temporary use. A use which, by its nature, will last under two years. Examples of temporary uses are uses associated with the sale of goods for a specific holiday, activity or celebration, uses associated with construction, and seasonal uses. The temporary use provisions do not apply to businesses seeking a temporary or interim location.~~

SECTION 2: Section 18.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

18.030 PERMITTED USES

The following are uses permitted outright in this zone:

1. Convenience grocery store.
2. Cultural exhibits and library services.
3. Family day care.
4. Utilities, minor.
5. Transportation facilities (Type I).
6. Single family residential unit above a permitted use.

SECTION 3: Section 19.050(1) of the City of West Linn Community Development Code is hereby amended to read as follows:

19.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions:

1. Single family residential unit and attached single family units above a permitted use or a commercial use or place of assembly authorized as a conditional use (e.g. , children's day care center, superstore, amusement enterprise, transient lodging, religious institution, school, lodge or community center), and Multiple-family units: as a mixed use in conjunction with commercial development, only above the first floor of the structure, except in and on the ground floor of businesses on the Willamette Falls Drive Commercial District where dwellings may also occupy a portion of the ground floor pursuant to CDC 58.050.

SECTION 4: The Title of Chapter 33 of the City of West Linn Community Development Code is hereby amended to read as follows:

Chapter 33

STORMWATER MANAGEMENT QUALITY AND DETENTION

SECTION 5: Section 33.020 of the City of West Linn Community Development Code is hereby amended to read as follows:

33.020 APPLICABILITY

This chapter applies to all new development and redevelopment sites, as required by the City's Public Works Design Standards, ~~except one and two family dwellings that do not involve a land division.~~

SECTION 6: Chapter 35 of the City of West Linn Community Development Code is hereby repealed in its entirety and replaced as follows:

35.010 APPLICABILITY

Notwithstanding the limitations of use established by this code, the approval authority can authorize temporary uses consistent with the provisions of this chapter.

35.020 EXEMPTIONS

The following temporary uses and structures are exempt from the provisions of this chapter:

- A. Construction related uses including, but not limited to, trailers and staging areas, on sites approved for the associated development.**
- B. Portable outdoor storage units or similar structures as are typically used for storing items in conjunction with a move, minor remodel, or construction project that will remain on site 14 days or less during a given calendar year.**

35.030 TEMPORARY USE STANDARDS

A. Temporary uses shall be approved if they meet the following standards:

- 1. Sites accommodating a temporary use shall be appropriate for the proposed use, as determined by the approval authority with consideration of the following:**
 - a. The proposed site shall have adequate parking and circulation space consistent with Chapter 46, Off-Street Parking, Loading and Reservoir Areas; safe ingress and egress consistent with CDC Chapter 48, Access, Egress and Circulation; and adequate line of sight and vision clearance per Chapter 42, Clear Vision Areas.**
 - b. The proposed site shall have a paved or graveled surface sufficient to avoid dust generation and mud tracking from anticipated traffic or erosion control measures, consistent with CDC Section 31.070, shall be used to keep any mud, sediment and dust on site.**
 - c. The proposed use shall conform to all applicable requirements of CDC Chapter 32, Water Resource Protection, Chapter 27, Flood Management Areas, Chapter 28, Willamette and Tualatin River Protection and other City regulations.**

d. The proposed temporary use shall not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.

2. The approval authority may require that structures and trailers allowed as temporary uses for more than 60 days be screened from the view of occupants of any abutting residential and commercial structures, consistent with CDC Chapter 44, unless the applicant demonstrates that such screening is not needed.

3. Drop boxes, trailers, or structures that serve a similar function are allowed, consistent with Subsection 35.030(A), for registered non-profit, religious or benevolent groups, orders or associations, when they are proposed to be located in General Commercial, Office Business Center, Campus Industrial, General Industrial, or Neighborhood Commercial districts.

Drop boxes and structures serving a similar function, not including trailers, shall not exceed seven feet in height or have a footprint of more than 25 square feet on a single site. Their color shall be limited to earth tones.

4. The property owner has authorized the proposed temporary use in writing.

B. The approval authority may attach conditions to any temporary use approval as needed to achieve compliance with the applicable standards of this section or otherwise protect public health, safety, and welfare.

35.050 DURATION OF TEMPORARY USES

A. Temporary uses may be allowed for up to 60 days, with one additional renewal for no greater duration than the original approval, except as follows:

1. Construction trailers and associated parking and staging areas beyond the site approved for the associated development may be allowed for the duration of active construction projects.

2. Drop boxes, structures serving a similar function, and trailers authorized under Subsection 35.030(A) will be allowed indefinitely, but they will be revoked if they are unused or abandoned for a period of 60 days or if material is not contained by the drop box or trailer and allowed to accumulate outside of the drop box, structure, or trailer.

Upon revocation of the approval, the applicant shall be responsible for removing the drop box, structure, or trailer unless it is abandoned; in that case, removal shall be the responsibility of the property owner.

SECTION 7: Section 52.109 of the City of West Linn Community Development Code is hereby amended to read as follows:

52.109 EXEMPTIONS

- A. Signs placed inside windows are exempt from the provisions of this chapter.
- B. ~~Signs in the Willamette Falls Drive Commercial Overlay Zone, as defined in Chapter 58 CDC, shall be reviewed and approved subject to the criteria found in CDC 58.090(C)(25). However the dimensional standards for signs in the Willamette Falls Drive Commercial Overlay Zone shall be based on the table in CDC 52.300.C.~~ Parking lot signs. Signs up to three square feet in area with a maximum height no greater than five feet above grade and directed to the interior of a parking lot and not to a right-of-way shall not require a sign permit.
- ~~CD.~~ City signs are exempt from the provisions of this chapter.
- ~~D.E.~~ Sunday signs are allowed within City right-of-way in any residential district on Sundays between the hours of 8:00 a.m. and 6:00 p.m., subject to the following standards:
- E. Signs that are oriented toward spectators at athletic fields or the interior of community recreation facilities are exempt provided that signs that are incidentally visible from the public right-of-way shall be no larger than 32 square feet in size. The signs shall be the same height, and the top of the signs shall be aligned horizontally to form a banner like appearance; the back side of such signs visible from the right-of-way shall be a uniform white, black, or earth tone color.

SECTION 8: Section 52.210 of the City of West Linn Community Development Code is hereby amended to read as follows:

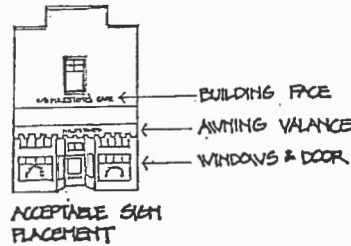
52.210 APPROVAL STANDARDS

All signs shall meet the following standards:

...

- K. Signs in the Willamette Falls Drive Commercial District.
 - 1. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The "10 percent" shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four-by-four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or

banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions.



2. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to upper right. Semi-circle designs on windows are permitted. Window lettering should be white, black, or gold with black shading.

BROKER SHADED

Caslon Antique

Antique Bold

BETON OPEN

Century Shaded

ENGRAVERS

3. Temporary signs. Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.

SECTION 9: Section 52.300 of the City of West Linn Community Development Code is hereby amended to read as follows:

52.300 PERMANENT SIGN DESIGN STANDARDS

	City Appvl. Reqd.	Illumination	FREESTANDING SIGNS				ON-WALL SIGNS			PROJECTING SIGNS ⁵	
			No. Allowed	Max. Sq. Ft.	Max Ht. (ft.)	ROW Setback (ft.)	No. Allowed	Max Sq. Ft.	Max Ht. (ft.)	No. Allowed	Max. Sq. Ft.
Residential Uses Including Home Occupations	No	No	1	2	4	5	or 1^	2	12	n/a	n/a
Multi-family Complex	Yes	Yes	2	24 total*	8	5	or 2^	24 total*	12	n/a	n/a
Subdivision Monument	Yes	Yes	5 per subdivision	32 total*	8	5	n/a	n/a	n/a	n/a	n/a

Industrial Zone Uses	Yes	Yes	10	32	8	5	3	10%	25	n/a	n/a
Commercial Uses in Residential Zone	Yes	Yes	1	16	8	10	2	5%*	12	n/a	n/a
Commercial Zone	Yes	Yes	1 ¹	32 ²	8	5	3	10%*	25	<u>1 sign per each business frontage with a customer entrance⁴</u>	<u>12</u>
Business Center	Yes	Yes	1	150 ³	20	15	3	10%*	25	<u>1 sign per each business frontage with a customer entrance⁴</u>	<u>12</u>
Business Center Entryway	Yes	Yes	1 per entry	4	3	5	n/a	n/a	n/a	n/a	n/a
Public Uses	Yes	Yes	1 ⁴⁵	24	20	5	No limit	18 total	25	n/a	n/a

Notes for Permanent Sign Design Standards

...

⁴ Projecting signs shall not extend above the roofline at the wall or the top of a parapet wall, whichever is higher. They shall not be located within 20 feet of another projecting sign in the same horizontal plane or project within two feet of the curb or, if there is no curb, the edge of the pavement. All projecting signs shall have clearance above the sidewalk consistent with Subsection 52.210(D). Any illumination shall be external.

⁵⁴ Parks may have two signs per frontage. Signs in parks directed at pedestrians or cyclists within the parks are not limited in number or size. Schools may have two signs.

SECTION 10: Section 53.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

53.030 STANDARDS

Displays and tables may be placed, and customer service may be conducted, on sidewalks subject to the following:

A. A pedestrian accessway, a minimum of four feet in width, shall be maintained free of obstructions on all sidewalks.

~~A minimum pedestrian accessway of four feet shall be maintained adjacent to the curb (i.e., display or service shall take place adjacent to the business structure.)~~

B. ~~C.~~ Clear vision requirements of Chapter 42 CDC shall not be violated.

~~C. The displays, tables, and/or customer service shall not extend beyond the store frontage of the business associated with the products or service, with the exception that businesses at street intersections with extended sidewalks may use the extended sidewalk consistent with this section.~~

C. Permission from the Oregon Department of Transportation for use of sidewalks in state right-of-way.

~~D. Any temporary commercial signs shall be subject to Planning Director approval.~~

See CDC Section 52.310 regarding temporary signs and Chapter 42 regarding clear vision triangle requirements.

SECTION 11: Section 55.070 of the City of West Linn Community Development Code is hereby amended to read as follows:

55.070 SUBMITTAL REQUIREMENTS

A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.

B. A pre-application conference, per Subsection 99.030(B), shall be a prerequisite to the filing of an application.

~~1. The Director shall explain the applicable policies, ordinance provisions, opportunities and constraints which may be applicable to the site and type of proposed development. The Director shall determine which class of design review is required.~~

~~2. The following subjects shall be reviewed at the pre-application conference:~~

~~a. The parcel's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.~~

~~b. The proposed use and types of adjacent land uses and the opportunities for shared use such as parking, or the need for buffers or sound barriers.~~

~~c. The natural features on the site: topography, drainage courses, micro-climate vegetation, and soil conditions and stability as these features relate to plan policies and ordinance provisions and the site development plan.~~

~~d. The availability of utilities (on-site and off-site).~~

~~e. The site access and potential traffic problems.~~

~~f. The availability of transit, capacity of the road system, and existence of plans for bicycle and pedestrian ways.~~

~~g. Existing or potential noise sources.~~

~~h. Conditions placed on previous applications.~~

~~i. Review submittal requirements.~~

~~j. Preferred architectural design and building orientation.~~

- C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC Section 99.038.

~~A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four lot or more planned unit development, a 10 lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments. Wireless communication facilities (WCF) shall also fulfill co-location protocol of CDC 57.090.~~

- D. The applicant shall submit a completed application form and one digital or electronic copy in an accessible format. In addition, the applicant must submit three copies at the original scale, three copies of all drawings and plans reduced to 11 inches by 17 inches or smaller, and three copies of all other items. Additional copies may be required as determined to be necessary by the Planning Department.

1. The development plan for a Class I design review shall contain the following elements:

- a. A site analysis (CDC 55.110) only if the site is undeveloped;
- b. A site plan (CDC 55.120) ~~is required;~~
- c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if architectural work is proposed; and;
- d. Pursuant to CDC 55.085, additional submittal material may be required.

~~One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.~~

2. The development plan for a Class II design review shall contain the following elements:

- a. A site analysis (CDC 55.110);
- b. A site plan (CDC 55.120);

- c. A grading plan (CDC 55.130);
 - d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);
 - e. A landscape plan (CDC 55.150);
 - ~~f. A sign plan (CDC 55.160); and~~
 - ~~g. A pedestrian and automobile circulation plan.~~
 - fh. ~~The A~~ utility plan: ~~The application shall include a submittal~~ appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;
 - g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC Subsection 55.100(J) pertaining to crime prevention and, if applicable, CDC Section 46.150(A)(13) pertaining to parking lot lighting;
 - h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-troughs, parking lots, HVAC units, and public address systems; and
 - i. Documents as required per the Tree Technical Manual.
- 3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.
 - 4. Submit full written responses to approval criteria of CDC 55.100 for Class II design review, or CDC 55.090 for Class I design review, plus all applicable referenced approval criteria.
- E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.
 - F. The applicant shall pay the required deposit and fee.

SECTION 12: Section 55.100 of the City of West Linn Community Development Code is hereby amended to read as follows:

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

The approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application.

...

B. Relationship to the natural and physical environment.

...

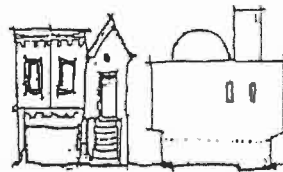
6. Architecture.

~~a. The predominant architecture of West Linn identified in the West Linn vision process was contemporary vernacular residential designs emphasizing natural materials: wood with brick and stone detail. Colors are subdued earth tones: greys, brown, off-whites, slate, and greens. Pitched roofs with overhanging eaves, decks, and details like generous multi-light windows with oversized trim are common. Also in evidence are the 1890s Queen Anne style homes of the Willamette neighborhood. Neo-traditional homes of the newer subdivisions feature large front porches with detailed porch supports, dormers, bracketed overhanging eaves, and rear parking for cars. Many of these design elements have already been incorporated in commercial and office architecture.~~

ab. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, ~~materials and colors~~ of surrounding buildings in the proposed structure. The material and colors shall be complementary to the surrounding buildings.



contextual design



contrasting design

SECTION 13: Section 55.110 of the City of West Linn Community Development Code is hereby amended to read as follows:

55.110 SITE ANALYSIS

...

- B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

...

6. Potential natural hazard areas including:
 - a. Floodplain areas;
 - b. ~~Areas subject to a high water table;~~ Seeps and springs;
 - c. Landslide areas; and
 - d. Areas having a high erosion potential.
7. Resource areas including:
 - a. ~~Marsh and wetland areas;~~ Wetlands;
 - b. ~~Wildlife habitat areas identified by the City in its Comprehensive Plan;~~ Riparian corridors;
 - c. Streams, including intermittent and ephemeral streams;
 - d. Habitat conservation areas; and
 - e. Large rock outcroppings.
8. ~~The site features including:~~
 - a. ~~Large rock outcroppings;~~
 - b. ~~Areas having unique views; and~~
 - c. ~~Streams and stream corridors.~~
89. Potential historic landmarks and registered archaeological sites. The existence of such sites on the property shall be verified from records maintained by the Planning Department and other recognized sources.
10. ~~The location of trees having a six-inch caliper at five feet and where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be submitted and only those trees that will be affected by the proposed development need be sited accurately; (e.g., construction activity within the dripline of the trees). All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2) and all heritage trees, shall be delineated. Trees on non-Type I and II land shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.~~

~~11. Existing ambient noise levels shall be determined in the case of proposed land uses which may be reasonably expected to generate noise (e.g., automotive related uses), and for previously unused sites as described by DEQ. The determination of those levels shall be consistent with current DEQ standards.~~

~~912.~~ Identification information including the name and address of the owner, developer, and project designer, and a lineal scale and north arrow.

~~1013.~~ Identify Type I and II lands in map form. Provide a table which identifies square footage of Type I and II lands also as percentage of total site square footage.

~~14. Identify applicable Goal 5 Resources identified in the City's Comprehensive Plan.~~

SECTION 14: Section 55.120 of the City of West Linn Community Development Code is hereby amended to read as follows:

55.120 SITE PLAN

The site plan shall be at the same scale as the site analysis (CDC 55.110) and shall show:

- A. The applicant's entire property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.
- B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot lines, ~~section lines, corners, and monuments.~~
- ~~C. The location of at least one temporary benchmark and contours as provided by CDC 55.110(B)(3).~~
- ~~CD.~~ Streams and stream corridors.
- ~~DE.~~ Identification information, including the name and address of the owner, developer, and project designer, and a lineal scale, and north arrow.
- ~~EF.~~ The location, dimensions, and names of all: ~~1. Existing and proposed platted streets, public pathways, and other public ways and easements on adjacent properties and on the site, and all associated rights-of-way.~~
~~2. Proposed streets or other public ways and easements on the site.~~
- ~~FG.~~ The location, dimensions and setback distances of all:
 - 1. Existing and proposed structures, improvements, and utility facilities on site; and
 - 2. Existing structures and driveways on adjoining properties.

~~2. Existing structures, improvements, and utility facilities to remain on the site;~~

~~3. Proposed structures, improvements, and utility facilities on the site.~~

GH. The location and dimensions of:

1. The entrances and exits to the site;
2. The parking and circulation areas;
3. ~~Loading and service~~ Areas for waste disposal, recycling, loading, and delivery;
4. Pedestrian and bicycle ~~circulation areas~~ routes, including designated routes, through parking lots and to adjacent right-of-ways;
5. On-site outdoor recreation spaces and common areas;
6. All utilities; and
7. Sign locations.

HI. The location of areas to be landscaped.

~~J. The location and type of outdoor light with specific consideration given to crime prevention. A light coverage plan shall be provided.~~

~~K. The orientation of structures showing the location of windows and doors.~~

~~L. The location of mailboxes.~~

~~M. Submit an engineering noise control plan by a licensed acoustical engineer to satisfy appropriate noise standards, identified in CDC 55.100(D)(3), in cases where proposed land use can reasonably be expected to generate noise (e.g., automotive-related uses) or in cases where it is required by the provisions of the West Linn Community Development Code.~~

SECTION 15: Section 55.130 of the City of West Linn Community Development Code is hereby amended to read as follows:

55.130 GRADING PLAN

The grading and drainage plan shall be at the same scale as the site analysis (CDC 55.110) and shall include the following:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.

- B. ~~Plans and statements to demonstrate the ability of the project to meet Appendix 33 requirements of the Uniform Building Code.~~ A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.

C. Storm detention and treatment plans may be required

- DE.** Identification, information, including the name and address of the owner, developer, project designer, and the project engineer.

SECTION 16: Section 55.140 of the City of West Linn Community Development Code is hereby amended to read as follows:

55.140 ARCHITECTURAL DRAWINGS

This section does not apply to single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

Architectural drawings shall be submitted showing:

- A. Building elevations and sections tied to curb elevation;
- B. Building materials: color and type; and
- C. The name of the architect or designer.

SECTION 17: Section 55.150 of the City of West Linn Community Development Code is hereby amended to read as follows:

55.150 LANDSCAPE PLAN

This section does not apply to detached single-family residential subdivisions or partitions, or up to two duplexes or single-family attached dwellings.

- A. The landscape plan shall be prepared and shall show the following:
 - 1. Preliminary underground irrigation system, if proposed;
 - 2. The location and height of fences and other buffering of screening materials, if proposed;
 - 3. The location of terraces, decks, patios, shelters, and play areas, if proposed;

4. The location, size, and species of the existing and proposed plant materials; and
5. Building and pavement outlines.

B. The landscape plan shall be accompanied by:

1. The erosion controls that will be used, if necessary;
2. Planting list schedule; and
3. Supplemental information as required by the Planning Director or City Arborist.

SECTION 18: Section 58.090 of the City of West Linn Community Development Code is hereby amended to read as follows:

58.090 STANDARDS

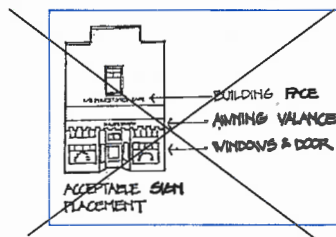
...

C. The following standards shall apply to new construction and remodels.

...

25. Signs.

a. Signs shall not exceed 10 percent of the square footage of the front elevation. The calculation of allowable signage is explained in CDC 52.300. The sign(s) shall be proportionate to buildings and signs on adjacent buildings. The "10 percent" shall be broken up into multiple signs. The sign(s) shall be mounted or painted on the second floor, on the valance of the awning, on the windows at pedestrian level, or on four by four awning posts. Signs shall not be of the internally lit can type or channel light type. No backlit awnings are allowed. Illumination by spotlight is permitted. Neon signs are permitted only inside the windows. No flashing signs are allowed. By temporary sign permit only, neon colored lettering or designs painted on windows or on paper or banners in the windows are allowed, but discouraged. Small signs or plaques which describe the building in a historical sense are exempt from the allowable square footage restrictions. Signs cannot project out from building face.



b. Sign type face. Antique lettering as shown in the illustration is required. Variations are permitted where the lettering would not clash with the predominant font or style. "Gay Nineties" or "P.T. Barnum" type styles and other exaggerated styles are discouraged. Lettering may be horizontal, vertical, or slanting up from lower left to

~~upper right. Semi-circle designs on windows are permitted. Window lettering should be either white, black, or gold with black shading.~~

~~BROKER SHADED
Caslon Antique
Antique Bold
BETON OPEN
Caslon Shaded
ENGRAVERS~~

~~c. Temporary signs. Temporary sandwich board signs are permitted and shall be designed to be consistent with the aforementioned sign and type face provision.~~

2526. Planters. No planters are allowed.

2627. Paint colors. Body color typically included white, cream, or a light, warm color of low intensity. Accents, trims, windows, etc., should be dark-colored. Contrasting colors should be compatible. Existing colors shall not enjoy protected status when repainting is proposed. A palette or color wheel of acceptable 1880 – 1915 period colors shall be the basis for color selection. No other colors are allowed. The palette is available at the Planning Department.

2728. Ornamental or advertising flags, pennants, or banners. Not permitted on buildings.

2829. New materials. Permitted where it is demonstrated that new material visually replicates originally required material, except siding, which must be wood.

SECTION 19: Section 85.150 of the City of West Linn Community Development Code is hereby amended to read as follows:

85.150 APPLICATION – TENTATIVE PLAN

A. The applicant shall submit a completed application which shall include:

...

- ~~4. A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments.~~

SECTION 20: Section 85.200 of the City of West Linn Community Development Code is hereby amended to read as follows:

85.200 APPROVAL CRITERIA

...

A. Streets

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent-plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed. Streets should be oriented with consideration of the sun, as site conditions allow, so that over 50 percent of the front building lines of homes are oriented within 30 degrees of an east-west axis.

Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP) and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the ~~Transportation System Plan~~ TSP prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements.

As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in kind or related improvements. ~~propose a fee amount that will be reviewed by the City Manager or the Manager's designee. The City Manager or the Manager's designee will revise the proposed fee as necessary and establish the amount to be paid on a case-by-case basis. The applicant shall pay an in-lieu fee for improvements to the nearest street identified by the City Manager or Manager's designee as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system as determined in subsection (A)(22) of this section.~~

Streets shall also be laid out to avoid and protect tree clusters and significant trees, but not to the extent that it would compromise connectivity requirements per this subsection (A)(1), or bring the density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant tree clusters or stands as defined in CDC 55.100(B)(2).

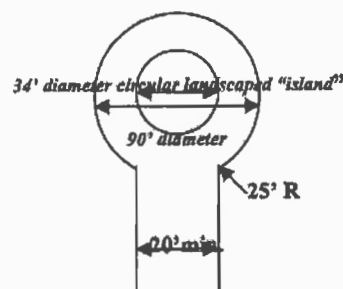
...

11. Cul-de-sacs.

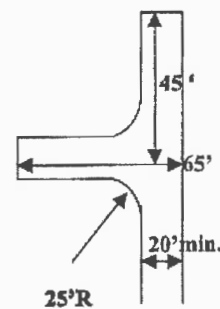
~~Cul-de-sacs are not allowed except as required by topography, slope, site limitations, and lot shapes. Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 12 dwelling units, unless by variance per Chapter 75 CDC.~~

- a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing less than 5 acres, or sites accommodating uses other than residential or mixed use development, are not allowed unless the applicant demonstrates that there is no feasible alternative due to:
 - 1) physical constraints (e.g., existing development, the size or shape of the site, steep topography, or a fish bearing stream or wetland protected by CDC Chapter 32), or
 - 2) existing easements or leases.
- b. New cul-de-sacs and other closed-end streets, consistent with Subsection (11) (a) above, shall not exceed 200 feet in length or serve more than 25 dwelling units unless the design complies with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards and adequately provides for anticipated traffic, consistent with the Transportation System Plan (TSP).

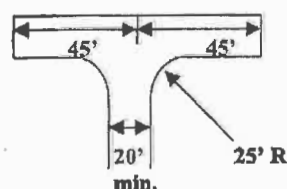
- c. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing five acres or more that are proposed to accommodate residential or mixed use development are prohibited unless barriers (e.g., existing development, steep topography, or a fish bearing stream or wetland protected by CDC Chapter 32, or easements, leases or covenants established prior to May 1, 1995) prevent street extensions. In that case, the street shall not exceed 200 feet in length or serve more than 25 dwelling units, and its design shall comply with all adopted TVFR access standards and adequately provide for anticipated traffic, consistent with the TSP.
- d. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.
- e. All cul-de-sacs and other closed-end streets shall include direct pedestrian and bicycle accessways from the terminus of the street to an adjacent street or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by physical constraints or that necessary easements cannot be obtained at a reasonable cost.
- f. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).



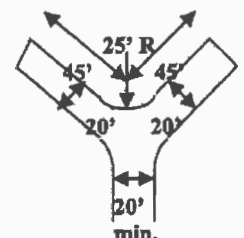
Cul-de-Sac Turnaround



Hammer Head Turnaround



"T" Turnaround



"Y" Turnaround

SECTION 21: Section 96.010 of the City of West Linn Community Development Code is hereby amended to read as follows:

96.010 CONSTRUCTION REQUIRED

A. New construction.

...

4. When an applicant applies for and is granted a waiver of street improvements under ~~S~~subsection (A)(3) of this section, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee shall be used for in kind or related improvements. ~~for improvements to be applied to the nearest street identified by the Manager or the Manager's designee, as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system.~~
5. ~~The City's determination of the appropriate in-lieu fee shall constitute an interpretation of the code, as authorized by CDC 99.060(A)(3), and may be appealed subject to the provisions of Chapter 99 CDC.~~

SECTION 22: Section 98.030 of the City of West Linn Community Development Code is hereby amended to read as follows:

98.030 DOCKET

A. Comprehensive Plan, CDC and zoning map amendments to be prepared and processed in a given year shall be listed on a docket established consistent with this section.

- 1. Proposing amendments and projects. Anyone may request a Comprehensive Plan, CDC or zoning map amendment or a related project on a form submitted to the Planning Department.**
- 2. Planning Commission review. Each year, staff shall present the proposed project list to the Planning Commission to give them the opportunity to review the proposed projects, add projects of interest, and to prioritize the proposed projects within their purview.**
- 3. City Council review and action. The City Council shall set the docket each year after considering the proposed project list.**

B. Exception. The City Council may initiate Comprehensive Plan, CDC and zoning map amendments outside of the docketing process.

APPLICATION PROCESS: WHO MAY APPLY, TIME PERIOD, REQUIREMENTS

- A. ~~Who may apply.~~
1. ~~A proposed legislative change may be initiated by:~~
- a. ~~Motion by the City Council;~~
 - b. ~~Motion by the Planning Commission;~~
 - c. ~~The Planning Director;~~
 - d. ~~Recognized neighborhood association. The association must transmit its requested change to the Planning Director, accompanied by documentation as to the vote of the association and the minutes of its discussion;~~
 - e. ~~Any other party wishing to propose a legislative change may petition the Planning Commission or City Council to consider such change. The Planning Commission or City Council, after considering the petition, may choose to initiate a legislative change or deny the petition.~~
- B. ~~Time period. A proposed legislative change will be heard by the Planning Commission, which acts in an advisory capacity to the Council, within 60 days of initiation of proposal. The proposed legislative change will then be heard by the City Council at the next available meeting, but in any circumstance, no later than 60 days after the Planning Commission recommendation. The date of initiation is the date the motion for change is adopted by the City Council or Planning Commission, or the date the Planning Director has received a proposal from a recognized neighborhood association.~~
- C. ~~The City Council may, by same or separate motion, adopt a longer time period for Planning Commission hearings of proposed legislative changes.~~

SECTION 23: Section 99.038 of the City of West Linn Community Development Code is hereby amended to read as follows:

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development of four or more lots, ~~commercial, office, or industrial development of non-residential buildings~~ over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

SECTION 24: Section 99.060 of the City of West Linn Community Development Code is hereby amended to read as follows:

99.060 APPROVAL AUTHORITY

...

- A. Planning Director authority. The Planning Director shall have the authority to:

1. Approve, deny, or approve with conditions the following applications:
 - a. A temporary use or structure application for a period of up to one year ~~six months or less~~ (Chapter 35 CDC), not including uses allowed through another land use approval process.
- ...
- B. Planning Commission authority. The Planning Commission shall have the authority to:
 2. Approve, deny, or approve with conditions the following applications:
 - a. A quasi-judicial zone change application (Chapter 105 CDC).
 - b. A temporary use or structure application ~~for a period of greater than six months~~ (Chapter 35 CDC), not including uses allowed through another land use approval process.
- ...
- C. City Council authority. The Council shall have the authority to:
 1. Approve, deny, or approve with conditions applications for the following development applications.
 - a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
 - b. A quasi-judicial zone change involving a concurrent application for a quasi-judicial Plan Map amendment (Chapter 105 CDC).
 - c. Boundary change proposals (Chapter 81 CDC).
 - d. Temporary use or structure application (Chapter 35 CDC), including uses allowed through another land use approval process.

SECTION 25: Section 99.080 of the City of West Linn Community Development Code is hereby amended to read as follows:

99.080 NOTICE

- A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:
 1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:
 - a. The applicant or the applicant's agent, and the-property owner of record on the most recent property tax assessment roll where such property is located.
 - ...
 - 5 ~~The City shall make reasonable efforts to post notice of the application on the City's website at least 10 days prior to the hearing, meeting, or~~

~~decision date. Failure to comply with this section is not a procedural defect entitling any party to a delay in the hearing process.~~

56. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

67. At the conclusion of the land use action the signs shall be removed.

B. Class B Notice. Notice of a proposed action on a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 14 days prior to the decision date, a notice shall be sent by mail to:

- a. The applicant or his agent;
- b. The affected recognized neighborhood association or citizens advisory committee; and

c. All property owners of record within 300 100-feet of the site perimeter.

~~d. The City shall make reasonable efforts to post notice of the application on the City's website at least 10 days prior to the hearing, meeting, or decision date. Failure to comply with this section is not a procedural defect entitling any party to a delay in the hearing process.~~

2. At least 10 days prior to the earliest date that the approval authority can take action on the application, the applicant shall place a sign, provided by the Planning Department, on the subject property in plain view. The sign shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

3. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

4. At the conclusion of the land use action the signs shall be removed.

SECTION 26: Section 105.040 of the City of West Linn Community Development Code is hereby amended to read as follows:

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

...

~~D. A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four lot or more planned unit development, a 10 lot or greater subdivision, or a zone change that requires a Comprehensive Plan~~

~~amendment is a meeting with the respective City-recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments.~~

SECTION 27. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 28. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 29. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [27-30]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 30. Effective Date. This ordinance shall take effect on the 30th day after its passage.

PASSED and ADOPTED this _____ day of _____, 2013.

JOHN KOVASH, MAYOR

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 17th day of June, 2013, and duly PASSED and ADOPTED this _____ day of _____, 2013.

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

MEMORANDUM

Date: June 13 2013

To: Chris Jordan, City Manager

From: Robert Galante, Police Station Project Manager

Subject: Police Station Bids

Purpose:

To present a rationale for rejecting all bids submitted for the construction of a new building for the West Linn Police Department and to recommend an option to rebid the project after making changes that will bring it within budget.

Background:

Citizens of West Linn approved a ballot measure on November 8, 2011, which authorized the issuance of \$8,500,000 of general obligation bonds to fund the property acquisition, design and construction required to complete a new Police Station. The property has been acquired and Group Mackenzie was retained to complete the design. The design has been completed and was approved for land use permit by the Planning Commission on February 20, 2013. The project was advertised for bids on April 19, 2013.

Throughout the design process the staff and architects were guided by the citizen Police Station Steering Committee, the citizen Public Art Committee, the Willamette Neighborhood Association, individual neighbors, business owners, West Linn residents and City staff. A design team, led by Group Mackenzie, included Police Department representatives and City staff, steering committee members, Neighborhood and Business District representatives and the Clackamas County Arts Alliance met more than 25 times to finalize the design. In November 2012, artists Joe Thurston and Sean Healy were added to the team. City Council reviewed the project at key milestones and authorized the project to proceed.

The final design that was advertised for bid included a 20,054 sq. ft., LEED (Leadership in Energy and Environmental Design) Silver structure, a secure parking lot for police vehicles, a public parking lot, landscaping and street improvements.

The competitive bid process included a mandatory pre-bid meeting that was attended by 27 contractors. Bids were opened on June 5, 2013. Five bidders submitted bids, which ranged between \$5,880,000 and \$6,500,000 (see Bid Tabulation, Exhibit 1). Even with all deductive alternates applied, the project substantially exceeded the budget available to construct the building. On a per-

square-foot basis (\$293/ sq. ft.) it exceeded construction costs that have been typical for similar facilities. The June 12, 2013 letter from Jeff Humphreys, Architect (Exhibit 2) illustrates the price range for similar buildings, attempts to analyze the reasons for the high bids and recommends rebidding the project after making some changes.

ORS 279C.395 provides that a public contracting agency may reject any bid for good cause, upon a finding that it is in the public interest to do so.

On June 13, 2013 the Police Station Steering Committee met to consider the bids and the options for completing a police station within budget. The Committee agreed with the recommendation of the architect and this report. There was concern expressed about making changes that would affect long-term life cycle costs for the building (energy and lighting), changes that would change the street façade of the building and changes that might reduce performance standards for contractors. The committee agreed that changes to bring the project within budget should be made provided their concerns are weighed together with the functional and service needs of the Police Department.

Evaluation:

- The submitted bids exceed the budget available for the proposed police station and it is in the public's interest to build the needed facility within the budget authorized for the facility.
- The bid process met all State and City of West Linn public contracting requirements.
- Rejection of all bids and rebidding will meet all State and City of West Linn public contracting requirements.

Summary:

It is in the City's best interests to reject all bids and to rebid the project.

Options:

1. Reject all bids and rebid the project after making changes to bring it within budget.

Advantages: Provides needed public safety facility for the West Linn Police Department at a competitive price from a qualified contractor.

Disadvantages: Delays the project by about 2 months.

2. Direct the staff to attempt to negotiate some changes and a lower price with the apparent low bidder.

Advantages: Could result in less delay.

Disadvantages: The delay could be similar to that required for the rebid, depending on the required changes. The changes required could violate the "scope change" limitations of ORS 279C.340.

Recommendation:

- Option 1 is recommended.

Exhibits:

1. Bid Tabulation
2. Architects letter , June 13, 2013

GROUP MACKENZIE

June 13, 2013

City of West Linn
Attention: Chris Jordan
22500 Salamo Road
West Linn, OR 97068

Re: **West Linn Police**
Project Number 2120180.00

Dear Chris:

This letter has been prepared to reflect on the project bid results, our recommendations to the City and next steps for the project.

With the recent bid for the West Linn Police project, we were all surprised, if not shocked at the results. Not only did the bids exceed the last construction cost estimate but they exceeded the final cost estimate by approximately 9%. This is the first time that Group Mackenzie has had the low bid exceed the final cost estimate on a public project.

As we discussed on our meeting on June 7, 2013, we believe that the following are a few reasons that contributed to this outcome.

- The project had three requirements establishing restrictive criteria limiting who could bid on the project. The criteria limited the bidders to GCs with LEED experience, Emergency Response Facility experience and Public Project experience.
- The economy is starting to change and has been significantly impacted by the huge projects underway in Hillsboro for Intel. These projects have bolstered the local economy and lowered the competitiveness of the sub-contractor market as well as some material suppliers. This can additionally be seen with the quantity of bidders (sub-contractors) pursuing the project.
- There were a few items that were added to the contract documents for bidders after the final estimate was complete. The added items included such things as the interview tracker system, passive radon mitigation system, which was a new code provision implemented during the bidding phase, and during this phase the City added additional right-of-way work in 13th Avenue through an addenda.
- The quantity of bid alternates, especially the large scope of Alternate #8 (the utility extension in 13th avenue) also seems to have caused confusion for bidders with variations between the high and low of over \$120,000.

Between these three conditions it is reasonable to assume that they contributed to the higher costs. We have done a significant amount of police facilities and regularly see construction costs for the final project range from \$200 to \$250 per square foot, and the design of the current West Linn police facility is very comparable in design to those

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**Group
Mackenzie,
Incorporated**

Architecture

Interiors

Structural
Engineering

Civil Engineering

Land Use Planning

Transportation
Planning

Landscape
Architecture

Locations:

Portland, Oregon

Seattle, Washington

Vancouver, Washington

facilities. We have had one police facility project that exceeded the square footage costs noted above and that was the Canby Police project. This project was 36,000 SF with a final GMP construction cost of \$8,007,037, or \$222 per SF for the total project. The built-out portion of the project was approximately 25,000 SF with a cost of about \$265 per square foot. The design and configuration of the Canby Police project are significantly more complex than that of the proposed West Linn Police facility (with compound roof slopes) and therefore is not a comparable project.

That being said, the project results did not come in at where we needed them to be and we want to help get the project to where it is expected in cost so that the project is successful, and that this is a project that the City of West Linn, Group Mackenzie, the Community and selected General Contractor can be proud of.

Moving forward, we evaluated what we believe are the two viable options for the City: Negotiate the project scope and value engineer with the apparent low bidder or re-bid the project. We spoke with Brent Schafer of Todd Construction about working together to value engineer the building. Todd Construction was interested in proceeding with this option. We talked to him about one value engineering strategy identified and didn't get a favorable response or cost close to what we would expect. This validated our opinion that there wasn't a big incentive for a selected general contractor to identify real construction savings and obviously there would be limited competitive bidding driving the cost. Additionally, we think there will be risk with the other bidders potentially protesting the bid process. Based on this, our recommendation to the City is to reject the current bids and re-bid the project. We have developed a schedule (attached) outlining the tasks and durations moving forward but generally believe that the construction documents can be revised to incorporate new value engineering items and have the project re-bid within 8 weeks from Notice to Proceed. This will still have the project start in favorable summer weather (avoiding wet weather conditions for site work) and put the Police Department move-in just two months beyond the original forecast.

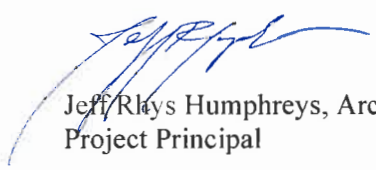
With the new bid phase, we recommend eliminating the criteria to open the project to greater competition. We have not restricted bidders on past police facility projects and have had success with the selected general contractors on those projects. We have outlined a series of suggested value engineering strategies for the City to consider. We will provide the value engineering list to the bidders from the first bid and ask for them to forecast the anticipated cost savings for each strategy and average the results to use as the projection for anticipated savings. We will compare this projection to our in-house forecast as well. The City can then evaluate the potential savings for each value engineering item and weigh the savings with the hierarchy of needs before rendering a decision of which to pursue.

With the revisions to the construction documents and the time to take the project through bidding again, there will be added effort for the Group Mackenzie design team and we need to work through the associated costs to ensure we have fee for the new work. We have tabulated our projected costs for each value engineering item including credits as applicable. The credits can be applied to the costs for implementation of other strategies to offset the overall costs. We propose to conduct this work on a time and material basis under the terms of the original contract to minimize costs to the City.

City of West Linn
West Linn Police
Project Number 2120180.00
June 13, 2013
Page 3

There may be other items that can be implemented to reduce costs for the City that we can discuss if interested in saving even more design costs. If you have any questions regarding this or want to work through specifics, please contact me at your earliest convenience.

Sincerely,

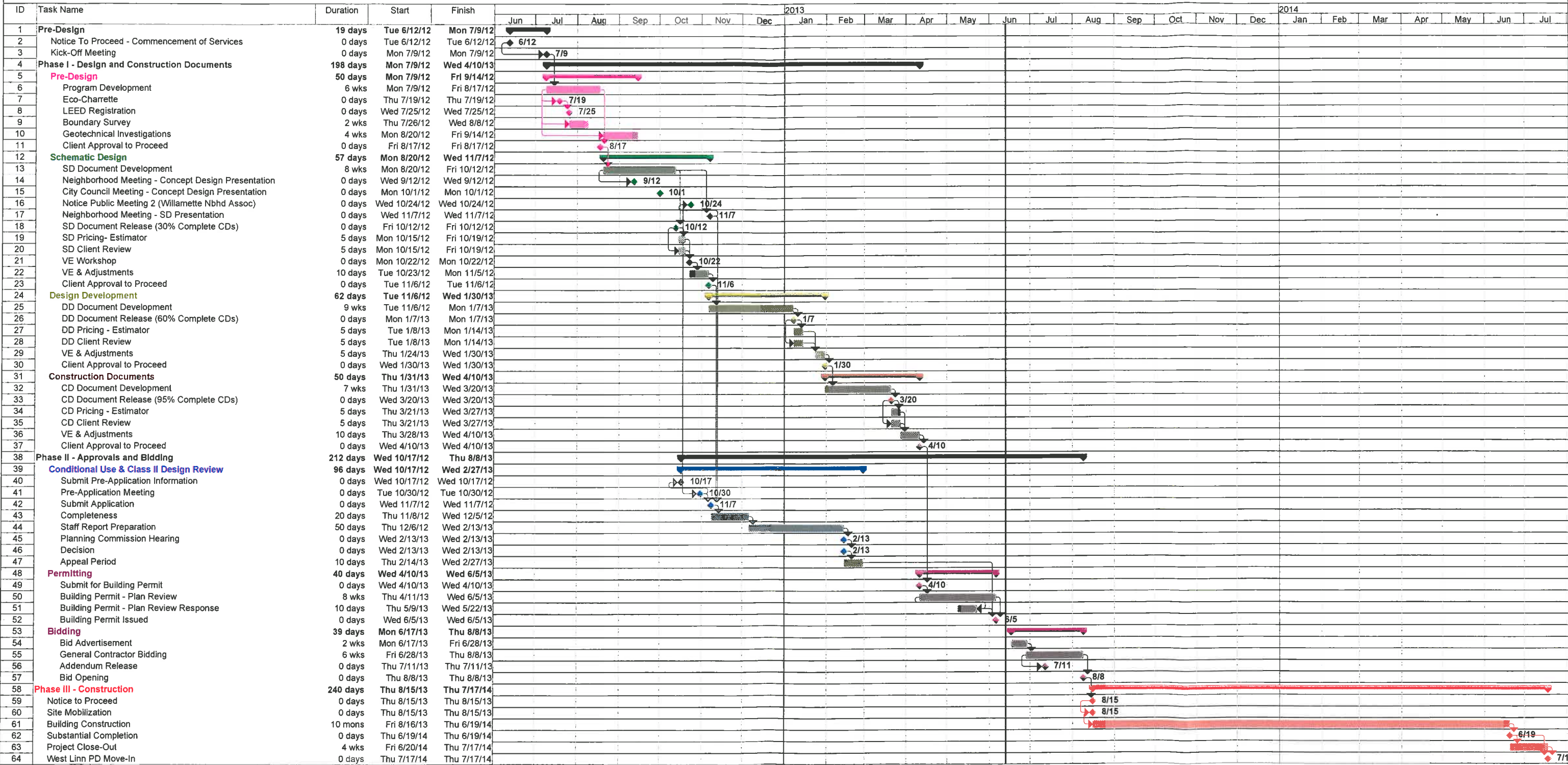


Jeff Rlys Humphreys, Architect
Project Principal

Enclosures: Project Schedule
Cost Adjustment/Value Engineering List
Project Cost Summary

c: Bob Galante – Robert Galante Project Management
Brett Hanson – Group Mackenzie

West Linn Police Facility





AGENDA BILL 2013-06-17-09 Revised

Subject: Contract Award for the 2013 Road Improvement Program (PW-1307)

For Council: June 17, 2013

Land Use Case Number: N/A

Public Hearing

Required: ☐

Optional: ☒

City Manager's Initials: *CJ*

Attachments:

1. Map of project area
2. Bid Results Tabulation

Initiated by:

- Public Works Department

Budget Impact:

- Total = \$930,078.15 (\$838,472.40 – Streets & \$91,605.75 – Environmental)
- The FY14 budget includes \$874,000 for the identified road improvements (Street Fund) and \$98,000 for the drainage improvements (Environmental Services Fund).
- Total project is within the budgeted amount.

Sustainability Considerations:

- Project will resurface and repair deteriorating streets as identified on the attached Map and complete minor storm drainage improvements associated with these areas.

Policy Question(s) for Council Consideration:

- None

Summary:

- The project was advertised and bid in accordance with the West Linn Local Contracting Rules.
- Bid opening was held on June 12th, 2013 at 2 PM and reviewed/tabulated as attached.
- Knife River Corp. NW was determined to be the lowest responsive and responsible bidder by staff with a bid of \$930,078.15.

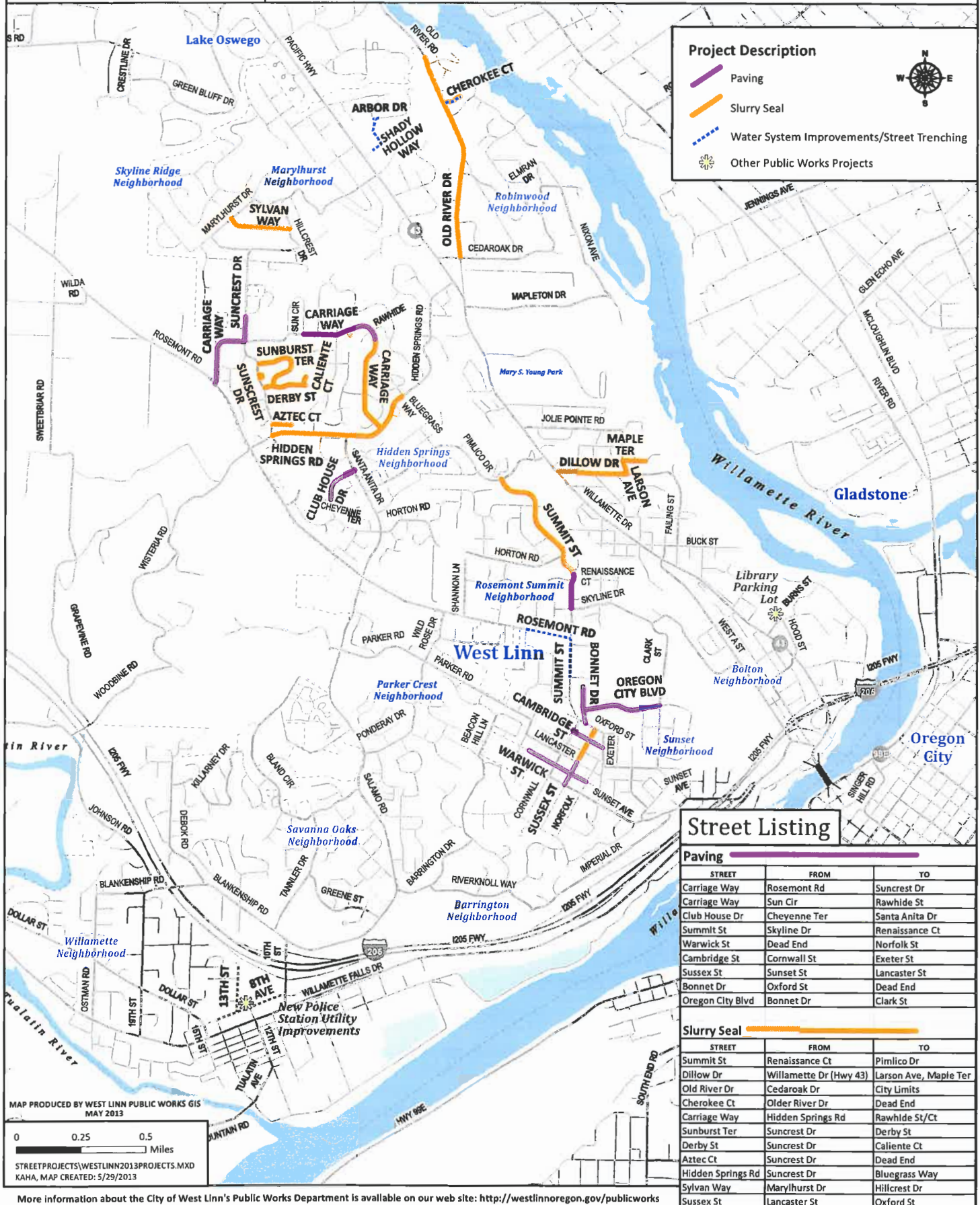
Recommended Motion:

- Acting in the capacity of the Contract Review Board, pass a motion authorizing the City Manager to sign a contract with the low bidder, Knife River Corp. NW, in the amount of \$930,078.15 for the 2013 Road Improvement Program (PW-1307).



City of
**West
Linn**

Public Works 2013 Road Improvement Program



		BID RESULTS				
file:	\Projects\Capital Improvements\Fornis\Bid Results Form.xls)					
	Owner: City of West Linn					
	Project Name: 2013 Road Improvement Project					
	Project No. PW-13-07					
	Bid Opening Date: June 12, 2013					
	Bid Opening Time: 2:00 pm					
	Name of Bidder	Bid Bond	Addenda Acknowledged	First Tiers	Project Total	NOTES
1	Eagle-Elsner Inc	x		x	1,270,000.00	
2	S-2 Contractors	x		x	990,624.00	
3	Brix Paving	x		x	998,021.66	
4	Knife River Corp. NW	x		x	930,078.15	Apparent Low Bidder
5						
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